

REMARKS

Claims 30 to 35 are added, and therefore claims 10 through 32 are now pending.
Reconsideration is respectfully requested based on the following.

The Office Action objected to an IDS submitted on April 21, 2005. Even though copies of the three German reference should have been provided by the International Searching Authority, to facilitate matters, copies of the three German references accompany this response as a courtesy. The Examiner is respectfully requested to consider and make them of record, and indicate the Office's consideration of the documents by initialing the originally filed 1449 paper.

Claims 10 to 17, 19 to 24, and 28 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. Pub. No. US 2002/0165646 to Bohr et al. ("Bohr").

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the claimed subject matter of the claims, as discussed herein. (See *Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

Independent claim 10 relates to a device for determining a center of rotation of a vehicle around a vertical axis of the vehicle, and provides an arrangement for determining the center of rotation as a function of a yaw rate and a float angle. The Office Action refers to paras. 0014 to 0030 of the Bohr reference as assertedly disclosing the feature as provided for in the context of claim 10.

The cited portions of the Bohr reference merely concern a vehicle's center of gravity -- rather than the vehicle's center of rotation. The present application makes it plain that a vehicle's center of rotation and center of mass (correspondingly the center of gravity in the Bohr reference) are two distinct features of the vehicle. The center of rotation may be computed from or measured with respect to the center of mass, (see Fig. 5 of the present application). However, the center of rotation and the center of mass are distinct to a person in

the art. For example, an object may rotate with respect to an axis through any part of the object, but there may be only one center of mass for the object. Therefore, the cited portions or any reading of the Bohr reference do not anticipate claim 10.

Accordingly, claim 10 and its dependent claims 11 to 17, 19 to 24, and 28 are allowable.

Claim 18 was rejected under 35 U.S.C. 103(a) as unpatentable over the Bohr reference in view of U.S. Patent No. 6,113,138 to Hermann et al. ("Hermann").

The Hermann reference refers to control device in a motor vehicle for detecting an impact and for detecting a rotational movement includes a transversal acceleration pick-up in each half of the vehicle, as defined by the longitudinal axis of the vehicle, and a longitudinal acceleration pick-up. An evaluation device evaluates longitudinal acceleration and transversal acceleration variables and derives a rotational movement variable from the transversal acceleration variables. The Hermann reference does not disclose any of the features described above, and does not teach that the deficiencies of Boros should be remedied or changed in any way to provide the presently claims subject matter.

Still further, claim 18 depends from claim 10, and is therefore allowable for essentially the same reasons, since the secondary reference does not cure -- and is not asserted to cure -- the critical deficiencies of the primary reference.

New claims 30 to 35 do not add any new matter and are supported by the present application, including the specification. Claims 30 to 32 depend from claim 10, and are therefore allowable for at least the same reasons. Claim 33 includes features like those of claim 10 and other dependent claims, and is therefore allowable for at least the same reasons. Claims 34 and 35 depend from claim 33, and are therefore allowable for at least the same reasons.

Accordingly, claims 10 to 35 are allowable.

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CONCLUSION

In view of the foregoing, Applicants respectfully submit that all pending claims 10 to 32 are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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